

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSE JUAN GAYTAN,)
Plaintiff,)
v.) C.A. No. 07-137 Erie
H.J. MARBURY, et al,)
Defendants.)

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on June 4, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on June 26, 2007, recommended that this action be dismissed for plaintiff's failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections . Service was made on Plaintiff by certified mail at 527 E Avenue, National City, CA 91950, the only address of record. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 25th Day of July, 2007;

IT IS HEREBY ORDERED that this complaint is DISMISSED for failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated June 26, 2007, is adopted as the opinion of the court.



MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge
all parties of record _____